

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,	)	Application No. PI-73/
on its own motion, seeking to	)	911-004
investigate enhanced 911	)	
surcharges collected by wireless	)	
carriers.	)	

**COMMENTS OF NEXTEL PARTNERS, INC.**

Nextel Partners, Inc. ("Nextel Partners") as and for its comments regarding enhanced 911 surcharges collected by wireless carriers, submits the following comments:

**I. INTRODUCTION**

Nextel Partners is a commercial mobile radio services provider based in Kirkland, Washington. Nextel Partners, through its operating subsidiaries, is in the process of testing Phase I E911 service in Nebraska and expects to fully provision Phase I in October 2003 to those public safety answering points who have requested this service.

In this docket, the Nebraska Commission has sought comment on the following questions:

1. Should the State provide cost recovery to a wireless carrier if it is already seeking cost recovery from its customers?
2. Should the Commission adopt a policy that wireless carriers collecting surcharges for E911 services must first account to the Commission before being approved for money from the Enhanced Wireless 911 Fund?

With regard to the first question, Nextel Partners believes that a carrier who seeks cost recovery from its customer for one Phase of E911 service should, nevertheless, be permitted to obtain cost recovery from the Enhanced Wireless 911 Fund (the "Fund") with respect to another phase of service. In that instance, the carrier is not "double dipping" or seeking cost recovery for the same phase of service from both its customers

and the Fund. As described below, Nextel Partners does not charge its customers and also seek recovery from the state fund to pay for the same phase of service. Moreover, Nextel Partners does not assess its customers the statutory surcharge and then charge its customers a second time for the same purpose.

Nextel Partners does not oppose the adoption of a policy that requires wireless carriers the collect an E911 surcharge to first account to the Commission before being approved for money from the Enhanced Wireless 911 Fund.

## **II. NEXTEL PARTNER'S E911 COST RECOVERY PLAN FOR NEBRASKA**

Nextel Partners has already incurred considerable expense to deploy Phase I E911 service in Nebraska. To recoup its expenses for Phase I service, Nextel Partners does not plan to assess its customers a separate charge for such service. Rather, Nextel Partners plans only to seek reimbursement for Phase I directly from the Fund. However, with regard to Phase II service, Nextel Partner's does intend to assess a customer charge to recoup the costs of this service. This charge will be included as part of a "federal programs" line item on a customer bill that will also include cost recovery for wireless number portability and number pooling. Notably, Nextel Partners does not intend to seek any reimbursement from the Fund to recoup its costs to deploy Phase II service.<sup>1</sup>

Under the foregoing billing and recovery practice, Nextel Partners does not voluntarily add a line item for cost recovery with respect to a particular phase of service and then also seek to recover costs for that same service directly from the Fund. Instead, Nextel Partners will only go to the Fund for Phase I service and charge its customers for Phase II service (without going to the Fund). This practice is not the sort of double

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<sup>1</sup> Of course, Nextel Partners will continue in either event to assess the state's statutorily mandated E911 surcharge.

dipping that is of concern to the Commission and therefore the Commission should permit carriers such as Nextel Partners to continue this practice going forward.

The Commission also expressed concern that carriers may assess the statutorily mandated surcharge but then impose another fee for the same purpose. Nextel Partners does not engage in this practice. Nextel Partners only intends to charge a separate and additional fee for Phase II service. However, because Nextel Partners does not plan to go the Fund to recover costs for Phase II, the mandatory surcharge and the additional Phase II charge are not for the same purpose. In the case of Nextel Partners, the mandatory charge would only go towards reimbursing Nextel Partners for Phase I service.

### **III. CONCLUSION**

For the foregoing reasons, the Commission should adopt a policy that permits a wireless carrier to seek cost recovery from the Fund for a particular phase of E911 service so long as the carrier does not impose a second non-mandatory fee to recoup costs for the same phase of service. Moreover, the Commission should adopt a policy allowing a wireless carrier to impose a second non-mandatory fee to recoup costs for a particular phase of service so long as the carrier does not then seek reimbursement from the Fund for the same phase of service.

RESPECTFULLY SUBMITTED,  
NEXTEL PARTNERS, INC.

By: /s/ Gregory T. Diamond

Peter Gaffney  
Program Manager – Technical Operations

Gregory T. Diamond  
Corporate Counsel

Nextel Partners, Inc.  
4500 Carillon Point  
Kirkland, Washington 98033  
Telephone: 425-576-3667  
Email: [gregory.diamond@nextelpartners.com](mailto:gregory.diamond@nextelpartners.com)